



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,414	12/23/1999	GRAHAM THOMAS SMITH	P150299	6705

22839 7590 06/04/2002

RICHES, MCKENZIE & HERBERT, LLP  
SUITE 1800  
2 BLOOR STREET EAST  
TORONTO, ON M4W 3J5  
CANADA

EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/423,414

Applicant(s)

SMITH ET AL.

Examiner

George Eng

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 12/23/1999 (paper no. 4) has been considered.

### *Specification*

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Objections*

3. Claim 1 is objected to because of the following informalities: claim 1, line 11, "a remote conferee" should be --the remote conferee-- to be corrected. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

Art Unit: 2643

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 6, 8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Okaya (US PAT. 5,808,663).

Regarding claim 1, Okaya discloses a multimedia carousel (10), read as a teleconferencing robot, for use in video conferencing and multimedia presentation application enabling a remote conferee to project a sense of presence into a group meeting, comprising a base (12), a video monitor (16) movably mount to the base for receiving and displaying an image of the remote conferee, a video camera (18) movably mount on the base, control means mounted on the base for rotating the video monitor and video camera in response to an input control signal, and wherein the video monitor and video camera move in response to the input control signal to enable the remote conferee to project a sense of presence into the group meeting (col. 2 line 48 through col. 4 line 7).

Regarding claims 2-3, Okaya teaches the video monitor capable of rotating relative to the base (col. 3 line 65 through col. 4 line 3) such that the video monitor is rotatably mounted to the base unit for rotation about a substantially vertical axis A (figure1), wherein the control means inherently comprising a rotating drive unit for rotation of the video monitor and video camera.

Regarding claim 6, Okaya teaches that the camera is voice activated CCD camera for ensuring a participant within the line of sight of the camera (col. 2 lines 65-66 and col. 4 lines 1-3). Thus, the input control signal is derived from sound source detection means such that the control signal represents the direction of the sound source with respect to the monitor and the

Art Unit: 2643

control means being adapted to drive the video monitor in response to the control signal to a position substantially facing the detection direction.

Regarding claim 8, Okaya discloses the base comprising an upper part on which the video monitor is mounted and a lower part and means for vertically displacing the upper and lower parts relative to one another (figure1).

Regarding claim 13, Okaya teaches to use the multimedia carousel in conjunction with a remote teleconferencing unit for presentation of an outline at a meeting (col. 3 lines 43-65) such that the remote teleconferencing unit inherently comprising a second microphone and a second video camera for obtaining an audio signal and an image from the remote conferee for transmission to the video monitor of the teleconferencing robot, and a second video monitor and a second speaker for providing an image and an audio signal received from the multimedia carousel, wherein the video monitor of the multimedia carousel provided with a speaker for outputting an audio signal received from the microphone of the remote teleconferencing unit and the input control signal is provided by the remote teleconferencing unit.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

Art Unit: 2643

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4-5, 7 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okaya (US PAT. 5,808,663) in view of Hildin (US PAT. 5,844,599).

Regarding claims 4-5, Okaya differs from the claimed invention in not specifically teaching control means including a drive unit for rotation of the video camera and a tilt drive unit for tilting the video camera upwards and downwards. However, it is old and notoriously well known in the art of video conferencing unit having a position control device including a pan drive unit and a tilt drive unit for dynamically capturing a view of an active speaker, for example see Hildin (col. 4 lines 59-64). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Okaya in having the drive unit and the tilt drive unit, as per teaching of Hildin, in order to dynamically capture a view of an active speaker.

Regarding claim 7, Okaya differs from the claimed invention in not specifically teaching a defined forward direction with the video monitor normally being directed in the defined forward direction. However, it is old and well known in the art of voice activated camera having position presets in order to automatically cycled to a defined forward direction if input control signal is non-active, for example see Hildin (col. 2 lines 4-15). Therefore, it would have been

Art Unit: 2643

obvious to a person of ordinary skill in the art at the time the invention was made to modify Okaya in having the defined forward direction in order to automatically cycled to the defined forward direction if input control signal is non-active, i.e., a default position.

Regarding claim 14, Okaya differs from the claimed invention in not specifically teaching to transmit data signals to the multimedia carousel for providing information on movement of the multimedia carousel. However, Hildin teaches a remote control key for allowing manual position of a camera in a manual mode (col. 3 lines 9-15) in order to make user friendly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Okaya in transmitting data signals to the multimedia carousel for providing information on movement of the multimedia carousel, as per teaching of Hildin, because it makes user friendly so that the multimedia carousel is capable of being controlled remotely.

Regarding claim 15, Okaya teaches microphone array means for enabling a location of a speaker to be determined and generating a detection signal indicative of the location of the speaker (figure 2 and col. 3 lines 13-20), as well as Hildin (col. 3 line 54 through col. 4 line 64).

Regarding claim 16, Hildin teaches the system is capable of performing manual mode and voice following mode (col. 4 lines 26-50) such that it would have been obviously in having a switch unit enabling the input control signal to be selectively derived from the detection signal and a remote signal generated by the remote conferee.

Regarding claim 17, Hildin teaches the microphone array is fixed such that the video camera and the video monitor rotate independently of the microphone array means (figure 1).

Art Unit: 2643

Regarding claim 18, Okaya teaches the video camera rotating substantially about the vertical axis.

Regarding claim 19, Hildin teaches location determining means for enabling a location of a person to be determined and generating a detection signal indicative of location of the speaker, wherein the video camera and the video monitor operate independently of the location determining means and the input control signal is derived from the detection signal and cause the rotating drive unit and pan drive unit to rotate to a position substantially facing the location of the speaker (col. 5 line 40 through col. 6 line 17).

Regarding claim 20, Hildin teaches the input control signal derived from a remote signal generated by the remote conferee (col. 4 line 65 through col. 5 line 19).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okaya (US PAT. 5,808,663) in view of Flint, III (US PAT. 4,821,307 hereinafter Flint).

Regarding claim 9, Okaya differs from the claimed invention in not specifically teaching the base comprising a mobile ground unit including wheels and driver motor for rotating the wheels. However, it is old and well known in the art of a teleconferencing device having a base including wheels and driver motor for rotating the wheels, for example see Flint (figure 3 and col. 5 lines 30-39). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Okaya in having the base with the mobile ground unit including wheels and driver motor for rotating the wheels, as per teaching of Flint, because it facilitates mobility of movement.



Art Unit: 2643

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okaya (US PAT. 5,808,663).

Regarding claim 10, Okaya teaches the screen of the video monitor (16) is positioned at or near the vertical axis (A) about which the video monitor rotates such that an angle formed by two straight lines lying in a horizontal plane crossing at the vertical axis (col. 3 line 65 through col. 4 line 3). Although Okaya does not specifically teaching that that extending through left and right hand edges of the screen of the video monitor is substantially 160 to 200 degrees, Okaya teaches the rotation relative to the base to enable participants to get a better view. Thus, it would have been obviously to extend through left and right hand edges of the screen of the video monitor is substantially 160 to 200 degrees in order to enable participants to get a better view.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okaya (US PAT. 5,808,663) in view of Bales et al. (US PAT. 5,473,367 hereinafter Bales).

Regarding claim 11, Okaya differs from the claimed invention in not specifically teaching an attention getting means for getting the attention of other conferees such that the control means includes means for actuating the attention getting means. However, Bales teaches a video conferencing system comprising a question button in each station for a participant to request to a question by actuation of said question button (col. 7 lines 4-35) in order to notify an instructor's attention that a particular participant wishes to ask a question. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Okaya in having the attention getting means, as per teaching by Bales, because it

Art Unit: 2643

enhances the video conferencing capabilities so that conferees are notified by the attention getting means to shift a principal speaker during conferencing.

***Allowable Subject Matter***

11. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hogan et al. (US PAT. 5,872,922) discloses a videoconference user interface for generating input signals used to initiate actions of controlling camera (col. 1 line 66 through col. 2 line 45). Ashida et al. (US PAT. 5,206,721) discloses a television conference system having a function of automatically directing a camera toward a speaker (abstract).

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

Art Unit: 2643

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

George Eng

Examiner

Art Unit 2643

A handwritten signature in cursive script that reads "George Eng".